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6 Attorneys for ORACLE CORPORATION,
CLIFFORD CHANCE LLP, DANIEL HARRIS
7 and RONALD ALEPIN

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 *In re*

13 Application of
14 MICROSOFT CORPORATION,
15 Applicant,
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Case No. 06-80038 JF (PVT)

**DECLARATION OF CHRISTOPHER S.
YATES IN SUPPORT OF ORACLE
CORPORATION, CLIFFORD CHANCE
LLP, DANIEL HARRIS AND RONALD
ALEPIN'S MOTION TO QUASH
MICROSOFT CORPORATION'S
SUBPOENAS**

Date: To be set
Time: To be set
Place: To be set
Before: Magistrate Judge Patricia V. Trumbull

1 Christopher S. Yates declares and says:

2 1. I am a member of the bar of the State of California, and a partner with the
3 law firm of Latham & Watkins LLP, counsel for Oracle Corporation, Daniel Harris, Ronald
4 Alepin, and Clifford Chance LLP in this matter. I have personal knowledge of the facts set forth
5 below and, if called upon to do so, I could and would testify competently thereto.

6 2. Attached as Exhibit 1 is a true and correct copy of a letter dated March 13,
7 2006 from Mr. Philip Lowe, Director General of Competition of the European Commission to
8 Mr. Thomas Vinje of Clifford Chance LLP.

9 3. Attached as Exhibit 2 is a true and correct copy of excerpts of
10 "Commission Decision relating to a proceeding under Article 82 of the EC Treaty, Case
11 COMP/C-3/37.792 Microsoft," dated March 24, 2004. The entire 301 page Commission
12 Decision is available on the website of the European Commission:
13 <http://europa.eu.int/comm/competition/antitrust/cases/decisions/37792/en.pdf>

14 4. Attached as Exhibit 3 is a true and correct copy of a press release dated
15 December 22, 2005 printed from the website of the European Commission entitled
16 "Competition: Statement of Objections to Microsoft for non-compliance with March 2004
17 decision – frequently asked questions."

18 5. Attached as Exhibit 4 is a true and correct copy of a press release dated
19 June 6, 2005 printed from the website of the European Commission entitled "Competition:
20 Commission to market test new proposals from Microsoft on interoperability.

21 6. Attached as Exhibit 5 is a true and correct copy of a press release dated
22 March 10, 2006 printed from the website of the European Commission entitled "Competition:
23 Commission publishes information on the role of the Monitoring Trustee in the Microsoft case."

24 7. Attached as Exhibit 6 is a true and correct copy of a press release dated
25 February 15, 2006 printed from the website of the European Committee For Interoperable
26 Systems entitled "Microsoft: Last Chance to Comply With European Commission Anti-Trust
27 Ruling."

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1 8. Attached as Exhibit 7 is a true and correct copy of a press release dated
2 December 22, 2005 printed from the website of the European Commission entitled
3 “Competition: Commission warns Microsoft of daily penalty for failure to comply with 2004
4 decision.”

5 9. Attached as Exhibit 8 is a true and correct copy of “Supplemental
6 Response of Microsoft Corporation to the Statement of Objections by the European Commission
7 Dated 21 December 2005.”

8 10. Attached as Exhibit 9 is a true and correct copy of an article dated March
9 3, 2006 entitled “Microsoft Accuses Brussels of Colluding with Rivals,” from *The Financial*
10 *Times*.

11 11. Attached as Exhibit 10 is a true and correct copy of Microsoft’s subpoena
12 to Oracle Corporation issued March 8, 2006. Oracle Corporation served objections to
13 Microsoft’s subpoena on March 13, 2006; attached as Exhibit 11 is a true and correct copy of
14 Oracle Corporation’s objections to Microsoft’s subpoena.

15 12. Attached as Exhibit 12 is a true and correct copy of Microsoft’s subpoena
16 to Daniel Harris issued March 7, 2006. Daniel Harris served objections to Microsoft’s subpoena
17 on March 13, 2006; attached as Exhibit 13 is a true and correct copy of Daniel Harris’ objections
18 to Microsoft’s subpoena.

19 13. Attached as Exhibit 14 is a true and correct copy of Microsoft’s subpoena
20 to Ronald Alepin issued March 7, 2006. Ronald Alepin served objections to Microsoft’s
21 subpoena on March 13, 2006; attached as Exhibit 15 is a true and correct copy of Ronald
22 Alepin’s objections to Microsoft’s subpoena.

23 14. Attached as Exhibit 16 is a true and correct copy of Microsoft’s subpoena
24 to Clifford Chance LLP issued March 7, 2006. Clifford Chance LLP served objections to
25 Microsoft’s subpoena on March 13, 2006; attached as Exhibit 17 is a true and correct copy of
26 Clifford Chance LLP’s objections to Microsoft’s subpoena.

15. Attached as Exhibit 18 is a true and correct copy of an article dated March 3, 2006 entitled “Microsoft Seeks Sun, IBM, Oracle, Novell Documents,” from Bloomberg News Service.

I executed this declaration on this 15th day of March, 2006 at San Francisco,
California.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

/S/

CHRISTOPHER S. YATES

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